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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

EDWARD L. JOHNS,

Plaintiff and Respondent,

v.

JENNIFER M. JOHNS,

Defendant and Appellant.

B188906

(Los Angeles County Super. Ct.
No. BC306799)

APPEAL from a judgment of the Superior Court of Los Angeles County.

Michael L. Stern, Judge. Affirmed.

Jennifer M. Johns, in pro. per., for Defendant and Appellant.

Law Offices of Larry J. Burge and Larry J. Burge for Plaintiff and Respondent.

Defendant and appellant Jennifer M. Johns appeals from a judgment following a court trial in favor of her father, plaintiff and respondent Edward L. Johns, in this quiet title action. Appellant's brief fails to present coherent legal arguments, supported by a fair statement of the facts, showing reversible error as to any ruling by the trial court. Under settled rules of appellate procedure, she has failed to demonstrate error on appeal and we therefore affirm the judgment.

FACTS AND PROCEDURAL HISTORY¹

Appellant's grandfather owned a residential property. In 2000, the grandfather's health began to fail. Appellant prepared a power of attorney which the grandfather executed on July 29, 2000, granting durable power of attorney to respondent and appointing him as conservator of the grandfather's estate. Appellant and respondent discussed transferring the property to appellant to avoid probate and allow her to maintain the property for the benefit of the entire family. On September 1, 2000, respondent, acting under the authority of the durable power of attorney, executed a grant deed transferring the property to appellant. Respondent believed his name would later be added to the deed.

On October 2, 2000, the grandfather died. He was survived by four adult children, including respondent, and several grandchildren. Neither appellant nor respondent has adequately maintained the property. Property taxes were not paid on the property for several years, and it is unclear whether the property is insured. Respondent repeatedly asked appellant to reconvey the property to him, but she refused.

On November 26, 2003, respondent filed a quiet title action against appellant. A court trial was held on November 14 and 28, 2005. The trial court found that the grandfather did not intend appellant to be the sole heir of his main asset, respondent

¹ The facts and procedural history are taken from the judgment.

exceeded his authority in executing the grant deed transferring the property to appellant, and the estate was the equitable owner entitled to possession of the property. On November 30, 2005, the trial court entered judgment voiding the September 1, 2000 grant deed and quieting title to the property in respondent, as the successor-in-interest to the grandfather's estate, for the benefit of the estate. Appellant filed a timely notice of appeal from the judgment.

DISCUSSION

Appellant's opening brief contains no citations to the record and no discussion of legal authorities. The trial court's judgment is presumed to be correct and the burden of demonstrating error rests squarely on the appellant. (*State Farm Fire & Casualty Co. v. Pietak* (2001) 90 Cal.App.4th 600, 610; *Winograd v. American Broadcasting Co.* (1998) 68 Cal.App.4th 624, 631-632.) Rule 14 of the California Rules of Court requires that appellate briefs contain "a summary of the significant facts limited to matters in the record" (*id.*, rule 14(a)(2)(C)), and that the briefs "support any reference to a matter in the record by a citation to the record" (*id.*, rule 14(a)(1)(C)). Further, if the appellant challenges the evidentiary basis for the trial court's decision, the appellant's opening brief must recite all the relevant evidence, not simply the evidence that supports the appellant's arguments. (*Nwosu v. Uba* (2004) 122 Cal.App.4th 1229, 1246.)

An appellate court does not resolve legal points in the abstract, they must be directed to legal rulings which are clearly identified and analyzed. A legal argument lacks persuasive force unless it is based on facts in the appellate record and supported by citations. (See *Western Aggregates, Inc. v. County of Yuba* (2002) 101 Cal.App.4th 278, 290-291.) It is the appellant's responsibility to fairly depict the factual, procedural, and legal basis for the challenged ruling and explain why it was wrong, and why the error caused prejudice, or the claim is waived. (*People v. Gidney* (1937) 10 Cal.2d 138, 142-

143; *Diamond Springs Lime Co. v. American River Constructors* (1971) 16 Cal.App.3d 581, 608; see *In re Marriage of Nichols* (1994) 27 Cal.App.4th 661, 672, fn. 3.)

Appellant's opening brief in this case lacks the required legal analysis, citation to relevant supporting legal authority, or cogent explanation as to how she was prejudiced by the trial court's rulings. When an appellant raises an issue "but fails to support it with reasoned argument and citations to authority, we treat the point as waived. [Citations.]" (*Badie v. Bank of America* (1998) 67 Cal.App.4th 779, 784-785, see also *Kim v. Sumitomo Bank* (1993) 17 Cal.App.4th 974, 979 [appellate court not required to consider points not supported by citation to authorities or record].) An appellant may not simply make the assertion that the ruling is erroneous and leave it to the appellate court to figure out why. Because appellant fails to include any citation to the trial record or set forth reasoned legal argument, we conclude that she has forfeited her contentions on appeal. (*Nwosu v. Uba, supra*, 122 Cal.App.4th at p. 1246; *Regents of the Univ. of Cal. v. Sheily* (2004) 122 Cal.App.4th 824, 826-827, fn. 1.)

DISPOSITION

The judgment is affirmed. Respondent Edward L. Johns is awarded his costs on appeal.

KRIEGLER, J.

We concur:

TURNER, P. J.

ARMSTRONG, J.